

REMARKS

Claims 1, 7, 8, 11, 19 and 39-52 are currently pending in the subject application and are presently under consideration. Claims 1, 7, 11 and 19 have been amended as shown on pages 2-9 of the Reply while claims 2, 3, 4, 6, 9, 14, 15, 17, 20-23, 26 and 29 have been canceled. New claims 39-52 have been added herein. Support for these amendments can be found in the specification as filed on page 7 lines 4-14, page 26 line 29-page 27 line 9, page 51 lines 8-11 and page 52 lines 12-15. Applicants' representative thanks the Examiner for the teleconference of September 12, 2007. The merits of the claims in view of the cited references were discussed.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Reply to Restriction Requirement

In a telephonic discussion held to clarify the species restriction, the Examiner indicated that the species restriction was intended to be a class and/or group restriction, and that applicant should respond to this Office Action consistent with the aforementioned clarification.

The Examiner requires restriction to one of the following species of claims:

Gesture – Claims 2-6, 9, 10, 13-17, 20-26, 29, 36-38 directed to gesture species [class 715, subclass 863]; further subclassed as a non-medical gesture subspecies – claims 2-6, 9, 10, 13-17, 20-26, 29 and medical gesture subspecies – claims 36-38;

Wireless control- Claims 12, 18, 27, 28 directed to a wireless control [class 715, subclass 864];

3D-Image system – Claims 7, 8 directed to a 3-D imaging system [class 715, subclass 757]; and

Profile – Claim 30-35 directed to a user profile [class 715, subclass 789] further subclassed as a non-operating room profile – Claims 30-32 and operating room profile - Claims 33-35.

Applicant's representative hereby confirms the election with traverse of the 3D-Image system species (Claims 7, 8, directed to a 3D Image system, class 715, subclass 757) for further prosecution on the merits. Applicant's representative reserves the right to rejoin these claims at a later date or pursue the non-elected claims in a divisional application.

I. Rejection of Claims 1 and 19 Under 35 U.S.C. §102(b)

Claims 1 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kumar *et al.* (US 6,222,465). Withdrawal of this rejection is requested for at least the following reasons. Kumar *et al.* fails to disclose or suggest all aspects set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim.*** *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The claimed invention relates to a system for controlling a computer using gestures. A 3-D imaging component performs gesture recognition and interpretation *based on a previous mapping of a plurality of hand poses and orientations to user commands for a given user.* In particular, amended independent claim 1 recites ***the imaging component permits different users to select different commands to associate with the received gesture such that the received gesture executes a user command based on user profile.*** Independent claim 19 recites similar features. Kumar *et al.* is silent regarding such novel features.

Kumar *et al.* relates to a system and method for manipulating virtual objects in a virtual environment. At the cited portions, Kumar *et al.* discloses a gesture based three dimensional interface system that displays a virtual 3-D environment to a user and a video gesture recognition subsystem (VGR) for monitoring an identification zone, identifying hand gestures made by a user within the zone and converting the gestures to digital signals that are interpreted by the control unit as various commands. The VGR subsystem is capable of recognizing a number of predetermined commands. However, Kumar *et al.* does not disclose letting a user select a command and map it with a previously captured gesture, and hence is silent regarding ***the imaging component permits different users to select different commands to associate with the received gesture such that the received gesture executes a user command based on user profile*** as recited by the subject claims. In providing for a user to select a particular command to associate with a captured gesture, the system allows different users, who may prefer to make

different motions for a given command, the ability to tailor the system in a way most efficient for their personal use (*See* applicants' specification as filed page 7 lines 4-14).

Accordingly, it is requested that this rejection with respect to independent claims 1 and 19 (and the claims that depend from) should be withdrawn.

II. Rejection of Claim 7 Under 35 U.S.C. §103(a)

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kumar in view of Kazama, *et al.* (US 6,111,580). Withdrawal of this rejection is requested for the following reasons. Claim 7 depends from independent claim 1. As discussed *supra*, Kumar *et al.* fails to disclose or suggest all features of amended independent claim 1 and Kazama *et al.* fails to make up for the aforementioned deficiencies of Kumar *et al.* Kazama *et al.* relates to an input apparatus for detecting a user's action and for outputting operation corresponding to the action, and is silent regarding ***the imaging component permits different users to select different commands to associate with the received gesture such that the received gesture executes a user command based on user profile*** as recited by the subject claim. Accordingly, it is requested that this rejection with respect to independent claim 1 (and claim 7 that depends from) should be withdrawn.

III. Rejection of Claim 8 Under 35 U.S.C. §103(a)

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kumar in view of Dempski, *et al.* (US 7,007,236). Withdrawal of this rejection is requested for the following reasons. Claim 8 depends from independent claim 1. As discussed *supra*, Kumar *et al.* fails to disclose or suggest all features of amended independent claim 1 and Dempski *et al.* fails to make up for the aforementioned deficiencies of Kumar *et al.* Dempski *et al.* relates to a method for manipulating virtual objects on a video conference broadcast, and is silent regarding ***the imaging component permits different users to select different commands to associate with the received gesture such that the received gesture executes a user command based on user profile*** as recited by the subject claim. Accordingly, it is requested that this rejection with respect to independent claim 1 (and claim 8 that depends from) should be withdrawn.

IV. Rejection of Claim 11 Under 35 U.S.C. §103(a)

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kumar in view of Pryor (US 6,750,848). Withdrawal of this rejection is requested for the following reasons. Claim 11 recites similar features as independent claim 1, namely ***the imaging component permits user selection of association of gestures with user commands wherein different users employ different gestures for execution of a given command, the association being determined during execution by user profile.*** As discussed *supra*, Kumar *et al.* fails to disclose or suggest the aforementioned features of amended independent claim 1 and Pryor relates to methods and apparatus for inputting position, orientation or other object characteristic data to computers for the purpose of controlling the display, and does not make up for the aforementioned deficiencies of Kumar *et al.* Accordingly, this rejection with respect to claim 11 should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP397USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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